

Clarke County

PLANNING COMMISSION REGULAR MEETING MINUTES APRIL 6, 2012



A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Town/County Joint Government Center, Berryville, Virginia, on Friday, April 6, 2012.

ATTENDANCE

George Ohrstrom, II; Chair; Anne Caldwell, Vice Chair; Robina Bouffault, Clay Brumback, Scott Kreider, Cliff Nelson, Chip Steinmetz, John Staelin, Richard Thuss and Jon Turkel.

ABSENT

Tom McFillen

STAFF

Jesse Russell, Acting Planning Director and Zoning Administrator; Alison Teetor, Natural Resource Planner and Debbie Bean, Recording Secretary.

Chair Ohrstrom read a press release regarding the new Planning Director. Chair Ohrstrom stated that a new Planning Director has been hired. He stated that his name is Brandon Stidham and his first day on the job will be April 30, 2012.

Called to Order

Chair Ohrstrom called the meeting to order at 9:15 a.m.

APPROVAL OF AGENDA

The Commission voted unanimously to approve the agenda.

Yes: Bouffault, Brumback, Caldwell (seconded), Kreider, Nelson (moved), Ohrstrom, Staelin, Steinmetz, Thuss and Turkel

No: No one

Absent: McFillen

APPROVAL OF MINUTES

The Commission voted unanimously to approve the briefing meeting minutes of February 28, 2012.

Yes: Bouffault (seconded), Caldwell, Nelson, Ohrstrom, Steinmetz, Thuss (moved) and Turkel

No: No one

Absent: McFillen

Abstained: Clay Brumback, Scott Kreider and John Staelin

The Commission voted unanimously to approve the regular meeting minutes of March 2, 2012.

Yes: Bouffault, Brumback, Caldwell (moved), Kreider, Nelson, Ohrstrom, Steinmetz, Thuss and Turkel (seconded)

No: No one

Absent: McFillen
Abstained: Staelin

SPECIAL USE/SITE PLAN – PUBLIC HEARING

**Verizon Wireless requests approval of a Special Use and Site Plan for constructing a monopole on the property located in the 100 block of Mount Carmel Road, Tax Map Parcel 39-A-71, Chapel Election District, zoned Forestal Open-Space Conservation (FOC).
SUP-12-01**

Mr. Russell explained this request. He said that the applicant has not completed the revisions to the site plan in regard to the restoration of the current site, storm water management revisions and compound entrance location. He said that the Mt. Carmel Church representatives stated at the meeting that the access easement across the church property had not yet been resolved. He said that the applicant and the Church representatives are meeting again to discuss the shared use of the Church's existing entrance in order to access the monopole site. He stated that if an access agreement is not reached by the parties involved, then a road would have to be constructed from Mt. Carmel road to a point in which it would tie back into the existing logging road. After discussion with staff and the Commission, Chair Ohrstrom asked for public comments.

David Lasso, agent for Verizon, was present and spoke to the Commission. He stated that he wants to apologize to the Commission about the miscommunication between Verizon, the Church and the adjoining property owners. He said that since the meeting, Verizon representatives have been working with the Church and the adjoining property owners but they still have not gotten as far as they need to be. He gave a slide presentation and explained about the area and where the proposed monopole will be located. He said that the proposed tower will need to be higher in order to get better reception and that this is an excellent time to fix the problem with the tower being too low.

He said that Verizon has been working with Ed and Brenda VanKeuren, the property owners of where the current monopole is located. He stated that Verizon has done a balloon test for the VanKeuren's at their request to show what the proposed monopole would look from their property when it is placed in the new area. He said the proposed pole could not be seen and they even flew the balloon higher than the pole will be and it still could not be seen.

He stated that there has been some concern about blasting being done due to the amount of rock in the area. He said they are doing their best for that not to happen but if it is needed it will be done with the utmost care.

Debra Riddle with Verizon was present and stated that the chances to have to blast is very slim. She said she is trying to design it in a manner that we would not have to do any blasting. She also said if blasting must be done it will be done with great care.

Mr. Lasso stated that at an earlier meeting it was discussed about leaving the branches off the monopole. He said that after speaking with Phillip Thomas (property owner of proposed site) and Ed and Brenda VanKeuren it is their desire to keep the branches on the monopole. He stated that at the time the submissions were submitted by Verizon to the federal and state government

the branches were on the monopole. He said that with Planning Commission permission Verizon would like the branches to stay.

He said that several individuals from Verizon are here today to answer questions from the Commission. Commissioner Thuss asked if we can schedule a meeting with the individuals who came today from Verizon. Mr. Russell suggested that we could have the individuals from Verizon at a briefing meeting in order to allow us time to ask questions. The Commission tentatively agreed to have members of Verizon at the next briefing meeting scheduled for May 1, 2012.

Barb Pevik, consultant for Verizon was present and spoke to the Commission about the monopole. She said in order to have additional coverage it would mean that a 200 or 300 foot tower would be needed. She stated that there is a balancing act to help preserve natural resources. She said by moving the tower higher up the hill it would help to provide more reception.

Al Vand, consultant for Verizon was present and spoke about the height of the towers. He said that by being on top of the mountain it makes the tower 10 feet above the tree coverage which helps to get better coverage. Mr. Lasso said that in order to allow higher towers, it would mean changing our ordinance.

The Commission voted unanimously to continue the public hearing on this request until the next regular meeting of the Commission on May 4, 2012.

Yes: Bouffault (seconded), Brumback, Caldwell (moved), Kreider, Nelson, Ohrstrom, Staelin, Steinmetz, Thuss and Turkel

No: No one

Absent: McFillen

SPECIAL USE/ SITE PLAN - PUBLIC HEARING

Clarke County Sanitary Authority requests approval of a Site Plan for replacing the existing water storage tank with a new water tank located on the property identified as Tax Map Parcel 30-A-1A, 1340 Browntown Road, Millwood Election District, zoned Agricultural Open-Space Conservation (AOC). SP-12-03

Mr. Russell explained this request. He said that at the last meeting the public hearing was set. He stated that the site plan has been amended and approved. He said that Richard Farland is the property owner that is doing a boundary line adjustment with the Clarke County Sanitary Authority in order to put up this new water tower. He stated that Mr. Farland has not yet agreed to the adjustment between himself and the Clarke County Sanitary Authority. Mr. Russell said as a result of an agreement not yet being made we are waiting to resolve these issues and the Clarke County Sanitary has requested that this proposal be postpone action and the public hearing continued until the next Planning Commission meeting on May 4, 2012. After discussion with staff and the Commission, Chair Ohrstrom called for public comments.

Lewis Martin, adjacent property owner, asked if this is a tower for water for the community or a tower for cell phones. Commissioner Staelin stated that it is a tower for water but the Sanitary Authority benefits from letting cell antennae's be housed on the tower as it brings in revenue for the Sanitary Authority. Mr. Martin said that the property where the water tank is

situated was given to the community for one purpose and that is for water. He said that in his opinion it was not given to be used as a cell tower particularly if the cell tower is providing money to other people. He suspects that when it was given that thought did not exist. He stated that he is not a legal person but it seems to him that they gave it to them for one purpose and now you are carrying that forward for another purpose and receiving potential funds from it. He asked if this was the correct way of perceiving this. Commissioner Bouffault said that the primary use remains the same which is for water distribution for the community. She said that by having an additional use as a cell tower, money is generated and goes to the Sanitary Authority and that means fewer tax dollars are needed from the community in the way of paying taxes because that money is generated and not going to private individuals, it is off setting certain expenses.

Mr. Martin said it is also his understanding that the tower that is going to be built is not going to look like the one that is there. Commissioner Bouffault said it should be nicer. Mr. Martin asked if it is going to be as nice as the one in Boyce. He said that tower has to be the biggest eyesore in the County. He stated that it was an eyesore before the cell towers were put on. He said that the net result will be that all the residents living around this proposed tower will be looking at a visual monstrosity. Mr. Martin questioned the access to the tower and if the old tower will be taken down when the new one is erected. He asked if there will be any planting that will be done which will reduce the noxious look of the tower. Mr. Russell stated that there will be planting done. He said we can revise the site plan showing the area where the current tower is should be revegetated.

Jeanette Hanisch, adjoining property owner, was present and stated that she wanted to second the comments Mr. Martin made. She said that she lives in sight of the water tower. She thanked the Winchester Star for its informative article on this proposal. She said she had no idea the County was considering allowing piggy backing commercial interest on to health and safety issues. She stated that this area is agricultural open space and she questioned what the mechanism is for allowing this piggy backing commercial interest. She stated that she wonders how much pay back it is to the County.

Chair Ohrstrom suggested that she talk to the Sanitary Authority about her concerns. He said this meeting is strictly for the water tower only.

Chair Ohrstrom stated that some people want the word "Millwood" painted on the tower. Mr. Russell said they do not want to do that as it would cost the Sanitary Authority more money. Mr. Russell stated that we need antennae's for telecommunications. He said the area in Millwood is trying to camouflage the tower by trees. He said that the Town of Boyce did their tower the way they wanted to and they are their own entity not governed by the Clarke County Planning Zoning and Subdivision Ordinance.

The Commission voted unanimously to continue the public hearing on this request until the next regular meeting of the Commission on May 4, 2012.

Yes: Bouffault (seconded), Brumback (moved), Caldwell, Kreider, Nelson, Ohrstrom, Staelin, Steinmetz, Thuss and Turkel

No: No one

Absent: McFillen

TEXT AMENDMENT – SET PUBLIC HEARING

The Clarke County Planning Commission recommends the amendment of the County Zoning Ordinance Section 6-B-Site Development Plans, When Required so as to add Small Wind Turbines to the items not requiring a site plan. TA-12-01

Mr. Russell explained this text amendment. He said that recently a citizen contacted staff and was inquiring about the regulations pertaining to residential wind turbines. He said he wanted to build 120' turbine because it would be the most efficient in terms of cost and energy production. Mr. Russell stated that the current regulations allow turbines up to 100' as a permitted use and those over 100' would require a special use permit. He stated that after further review if a special use permit is required then a site plan is also required. Mr. Russell said that a committee met in March to discuss the wind turbine requirements. He said after the meeting it was determined that changing the height limits would require additional research and could have unintended consequences as the 100' limit is consistent with height limits on other features such as cell towers. He stated that the committee agreed that waiving the site plan was reasonable and recommended that this text amendment include wind turbines as one of the structures not requiring a site plan.

Ms. Teetor spoke about this request. She stated that she has no problem with re-reviewing the language in this amendment. She said that at the time the language was done on the research they had.

Commissioner Thuss said he thinks the definition should be reworded.

Mr. Russell stated he thinks this amendment needs to be discussed with a committee before moving forward.

The Commission voted unanimously to postpone action until the next regular meeting of the Commission on May 4, 2012.

Yes: Bouffault, Brumback (moved), Caldwell, Kreider, Nelson, Ohrstrom, Staelin, Steinmetz, Thuss (seconded) and Turkel

No: No one

Absent: McFillen

Board/Committee Reports

Board of Supervisors

– John Staelin

Commissioner Staelin stated that the big issue is the budget and the Board will be having a public hearing on this next week. He also said that VDOT will be having a public hearing on the secondary road plan at the next BOS meeting.

Sanitary Authority

– John Staelin

No report.

Board of Septic & Well Appeals

– John Staelin

No report.

Board of Zoning Appeals**- Anne Caldwell**

Vice Chair Caldwell stated that there is a public hearing scheduled for April 12, 2012 at 10:00 a.m.

Historic Preservation Commission - Cliff Nelson

Commissioner Nelson stated that the Taylor house has been demolished and cleared away. He said the Cool Spring Battlefield Park was not approved by the Board of Supervisors but the Board will consider other options. He stated that the next meeting is scheduled for May 24, 2012 which will be the awards ceremony.

Conservation Easement Authority - George Ohrstrom, II

Chair Ohrstrom stated that he, Ms. Teetor and Winkie Mackay-Smith are going to be traveling to Lexington, Virginia on behalf of the Authority to receive the 2012 Governor's Environmental Excellence Award for the Clarke County Conservation Easement Authority. This is a Gold Medal recipient award for its demonstrated commitment to land stewardship in Virginia.

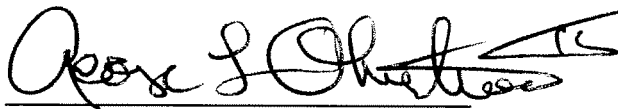
Staff Reports**Natural Resource Activities****- Alison Teetor**

No report

Other

Mr. Russell stated that he has not heard anything from the individuals on the solar energy plan except that they are still working on the site plan and hopefully it will be submitted to us in May or June.

There being no further discussion, the meeting was adjourned at 10:45 a.m. until the next regular meeting of the Commission on June 1, 2012.



George L. Ohrstrom, II, Chair



Jesse Russell, Acting Clerk

Minutes prepared by Debbie Bean, Recording Secretary